

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARVIN STEWARD,

Plaintiff,

No. 22-11115

v.

Hon. Nancy G. Edmunds

TOUCHPOINT SUPPORT SERVICES, LLC,

Defendant.

/

ORDER DISMISSED PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Marvin Steward filed this employment discrimination case against Defendant Touchpoint Support Services, LLC on May 23, 2022. Plaintiff alleges violations of the Age Discrimination in Employment Act ("ADEA"), Michigan's Elliot-Larsen Civil Rights Act ("ELCRA"), the Americans with Disabilities Act ("ADA"), and Michigan's Persons with Disabilities Civil Rights Act ("PWDCRA"). On June 3, 2022, the Court issued an order giving Plaintiff ten days to properly plead the citizenship of Defendant if he chooses to rely on diversity jurisdiction as the Court's basis to hear his state law claims. (ECF No. 4.) Plaintiff did not respond to the Court's order.

Because the parties in this case appear to be nondiverse, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1337(c)(4); *Moor v. Cty. of Alameda*, 411 U.S. 693, 716 (1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994); see also *Provenzano v. LCI Holdings, Inc.*, 663 F.3d 806, 818 (6th Cir. 2011) (observing that the causation standard for a discrimination claim under the ADEA is different than that for

the same claim under the ELCRA). Therefore, pursuant to § 1367(c), Plaintiff's state law claims are hereby DISMISSED WITHOUT PREJUDICE. The Court will retain jurisdiction over Plaintiff's federal claims only.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: July 6, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 6, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager